

RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
Zoning Commission
13071 Jerome Jay Drive
8th Election District
2nd Councilmanic District
Samuel M. Dona, M.D., et al.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a height of 42 feet in lieu of the maximum permitted 35 feet and to amend the last amended Final Development Plan of Ivy Hill, Section IV for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the administrative variance process. Subsequent to reviewing the case file and the information submitted, the zoning commissioner required that a public hearing be held to determine the appropriateness of the relief requested.

The Petitioners, by Catherine T. Dona, appeared and testified. There were no opponents.

Testimony indicated that the subject property, known as 13071 Jerome Jay Drive, consists of 1.889 acres zoned R.C. 1 and is presently unimproved. Petitioners are desirous of constructing a two story, single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated the height variance is necessary due to the architectural design and character of the proposed dwelling. Mr. Dona testified that his architect is constructing a house on the opposite side of the peninsula drive accessing the subject site that will be of similar construction and style. Testimony indicated the relief requested will not result in any detriment

to the health, safety or general welfare of the surrounding community and to the use of the lot and its abutting wooded area.

An area variance may be granted where such application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Section 10-102, Zoning Ordinance. The zoning board found difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirements would unreasonably prevent the use of the property for a permitted purpose or hinder an otherwise reasonably beneficial use;
- 2) whether the grant would be substantial relief for the applicant and such as other property owners in the district are whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that no spirit of the ordinance will be observed and public safety and welfare secured.

Anthony V. By, Jr. of Appeals, Town of Chesapeake Beach, 24 Md. App. 40 (1993).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the Z.O. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

WHEREFORE, IT IS ORDERED by the zoning Commissioner for Baltimore County, this 12th day of February, 1990, that the Petition for Residential Variance to permit a height of 42 feet in lieu of the maximum permitted 35 feet and to amend the last amended Final Development Plan of Ivy Hill, Section IV for a proposed dwelling, in accordance with Petitioner's

petition, be and it is hereby ordered that the zoning regulations be and they are hereby amended to read as follows:

1. The zoning regulations shall be amended to read as follows: "The maximum height of a dwelling shall be 42 feet in lieu of the maximum permitted 35 feet, provided that the variance is granted in accordance with the findings of fact and conclusions of law set forth in this decision." 2. The zoning regulations shall be amended to read as follows: "The maximum height of a dwelling shall be 42 feet in lieu of the maximum permitted 35 feet, provided that the variance is granted in accordance with the findings of fact and conclusions of law set forth in this decision."

3. The zoning regulations shall be amended to read as follows: "The maximum height of a dwelling shall be 42 feet in lieu of the maximum permitted 35 feet, provided that the variance is granted in accordance with the findings of fact and conclusions of law set forth in this decision."

4. The zoning regulations shall be amended to read as follows: "The maximum height of a dwelling shall be 42 feet in lieu of the maximum permitted 35 feet, provided that the variance is granted in accordance with the findings of fact and conclusions of law set forth in this decision."

5. The zoning regulations shall be amended to read as follows: "The maximum height of a dwelling shall be 42 feet in lieu of the maximum permitted 35 feet, provided that the variance is granted in accordance with the findings of fact and conclusions of law set forth in this decision."

Robert Haines
Zoning Commissioner
for Baltimore County

Very truly yours,

ORDER RECEIVED FOR FILING
Date 2/12/90
By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1003.4.A To permit a proposed dwelling with a height of 42 ft. in lieu of the maximum permitted 35 ft. AND to amend the last amended Final Development Plan of Ivy Hill, Section IV.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

The beauty of the architecture of the house lies on its total height. There is no unsafe feature on its height. The height of the house does not obstruct anybody's view since the lot is 17 acres. In fact, this house will add beauty and charm to the development because of its magnificent architecture.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney's telephone number

Legal Owner(s):
Samuel M. Dona, M.D.
(Type or Print Name)
Signature
Catherine T. Dona
(Type or Print Name)
Signature

246 Hunters Ridge Rd. 561-3320
Address
Timonium, Maryland 21093
City/State/Zip Code
Home, address and phone number of legal owner, contract purchaser or representative to be contacted.

ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of Feb, 1990, that the subject matter of this petition be posted on the property on or before the 31 day of Feb, 1990.

Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

Robert Haines
Zoning Commissioner of Baltimore County

AFFIDAVIT 91-153-A

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at
13071 Jerome Jay Drive Cockeysville, Maryland 21030
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

The beauty of the architecture of the house lies on its total height.

There is no unsafe feature on its height.

The height of the house does not obstruct anybody's view since the lot is 17 acres. In fact, this house will add beauty and

charm to the development because of its magnificent architecture.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Samuel M. Dona
AFFIANT (Handwritten Signature)
Samuel M. Dona, M.D.
AFFIANT (Printed Name)

Catherine T. Dona
AFFIANT (Handwritten Signature)
Catherine T. Dona
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 11 day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Catherine T. Dona

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/11/90
DATE

Robert Haines
NOTARY PUBLIC
My Commission Expires: 7/1/95

Subscribed and sworn to before me on this 11th day of October, 1990, at Cockeysville, Maryland.

Robert Haines
Notary Public
My Commission Expires: 7/1/95

91-153-A

PROPERTY DESCRIPTION OF LOT 2

located at the East side of Jerome Jay Drive
Beginning Point approximately 507' South from the intersection of Ivy Hill Road. Thence:

1. 388° 57' 16"E ----- 130.16'
2. 371° 54' 17"E ----- 301.05'
3. 318° 01' 45"E ----- 880.05'
4. 341° 36' 00"E ----- 84.75'
5. 387° 40' 40"E ----- 457.32'
6. R/L 1.361.00' x 1.4 390.12'
7. 306° 02' 31"E x 352.89 to point of beginning also known as Lot 3 Section 4 - Ivy Hill subdivision

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt
No. 3479
10/12/90
Administrative Variance Filing 35.00
Filing of Sign 25.00
TOTAL 60.00
Cashed down
Please make checks payable to: Baltimore County 41533A10-12-90 \$60.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt
Account: R 001-6150
Number
No. 3661
3470
Date
10/12/90
See hand-written receipt dated 10/12/90 Paid
Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-25, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-24, 1991.

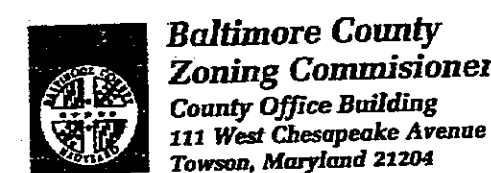
THE JEFFERSONIAN,

S. Zehle Publisher

\$84.29

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 8th Date of Posting January 22, 1991
Posted for: Residential Variance
Petitioner: Samuel M. Dona, M.D., et ux
Location of property: E/S Jerome Jay Court, 507' S of Ivy Hill Road
13071 Jerome Jay Court
Location of Sign: E/S of Jerome Jay Court in front of subject property
Remarks:
Posted by: S. J. Grotz
Date of return: February 1, 1991
Number of Signs: 1



Date 2/21/91 Account: R-001-6150 Number
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$109.29
TOTAL: \$109.29
LAST NAME OF OWNER: DONA

ZONING COPY

Please Make Checks Payable To: Baltimore DPM00925AM02-21-91 \$109.29

Cashier: Validation

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 2/1/91

Mr. & Mrs. Samuel M. Dona, M.D.
246 Hunters Ridge Road
Timonium, Maryland 21093

RE:
Case Number: 91-153-A
E/S Jerome Jay Court, 507' S of Ivy Hill Road
13071 Jerome Jay Court
8th Election District - 3rd Councilmanic
Petitioner(s): Samuel M. Dona, et ux
HEARING: THURSDAY, FEBRUARY 21, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$109.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 14, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-153-A
E/S Jerome Jay Court, 507' S of Ivy Hill Road
13071 Jerome Jay Court
8th Election District - 3rd Councilmanic
Petitioner(s): Samuel M. Dona, et ux
HEARING: THURSDAY, FEBRUARY 21, 1991 at 10:00 a.m.

Variance to permit a proposed dwelling with a height of 42 ft. in lieu of the maximum permitted 35 ft. and to amend the last amended Final Development Plan of Ivy Hill, Section IV.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Dona

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

October 23, 1990



Mr. & Mrs. Samuel M. Dona, M.D.
246 Hunters Ridge Road
Timonium, Maryland 21093

Re: 91-153-A
CASE NUMBER: E/S Jerome Jay Court, 507' S of Ivy Hill Road
LOCATION: 13071 Jerome Jay Court

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated October 23, 1990, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

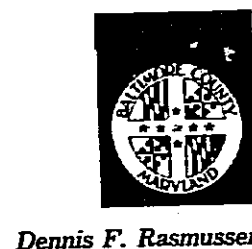
G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

November 13, 1990

Dr. & Mrs. Samuel M. Dona
246 Hunters Ridge Road
Timonium, MD 21093



RE: Item No. 161, Case No. 91-153-A
Petitioner: Samuel M. Dona, et ux
Petition for Residential Variance

Dear Dr. & Mrs. Dona:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

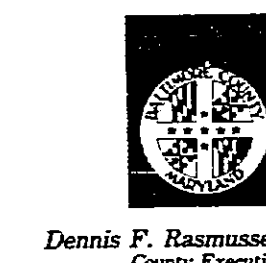
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 12th day of October, 1990.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Samuel M. Dona, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: November 1, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Samuel M. Dona, Item No. 161

The Petitioner requests a Variance to permit a dwelling with a height of 42 ft. in lieu of the maximum permitted 35 ft. and to amend the last amended Final Development Plan of Ivy Hill, Section IV.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM161/ZAC1

received
11/14/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4300

Paul H. Reincke
Chief

OCTOBER 30, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SAMUEL M. DONA, M.D.

Location: #13071 JEROME JAY DRIVE

Item No.: 161 Zoning Agenda: NOVEMBER 7, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Robert W. Bowling* 10-30-90 Noted and Approved *Robert W. Bowling*
Planning Group Fire Prevention Bureau
Special Inspection Division

JR/KEK

received
11/2/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 31, 1990

received
11/2/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-2-B
SUBJECT: ZONING ITEM #: #161
PROPERTY OWNER: Samuel M. Dona, M.D., et ux
LOCATION: E/S Jerome Jay Drive., 507' S of Ivy Hill Road (#13071) Jerome Jay Drive.0
ELECTION DISTRICT: 8th
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMP (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - your structure does not exceed the allowable height permitted by code for Fire Safety. If the allowable height is exceeded an approved sprinkler system will allow an increase in height (see section 503.1. PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESTER AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 26, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 7, 1990

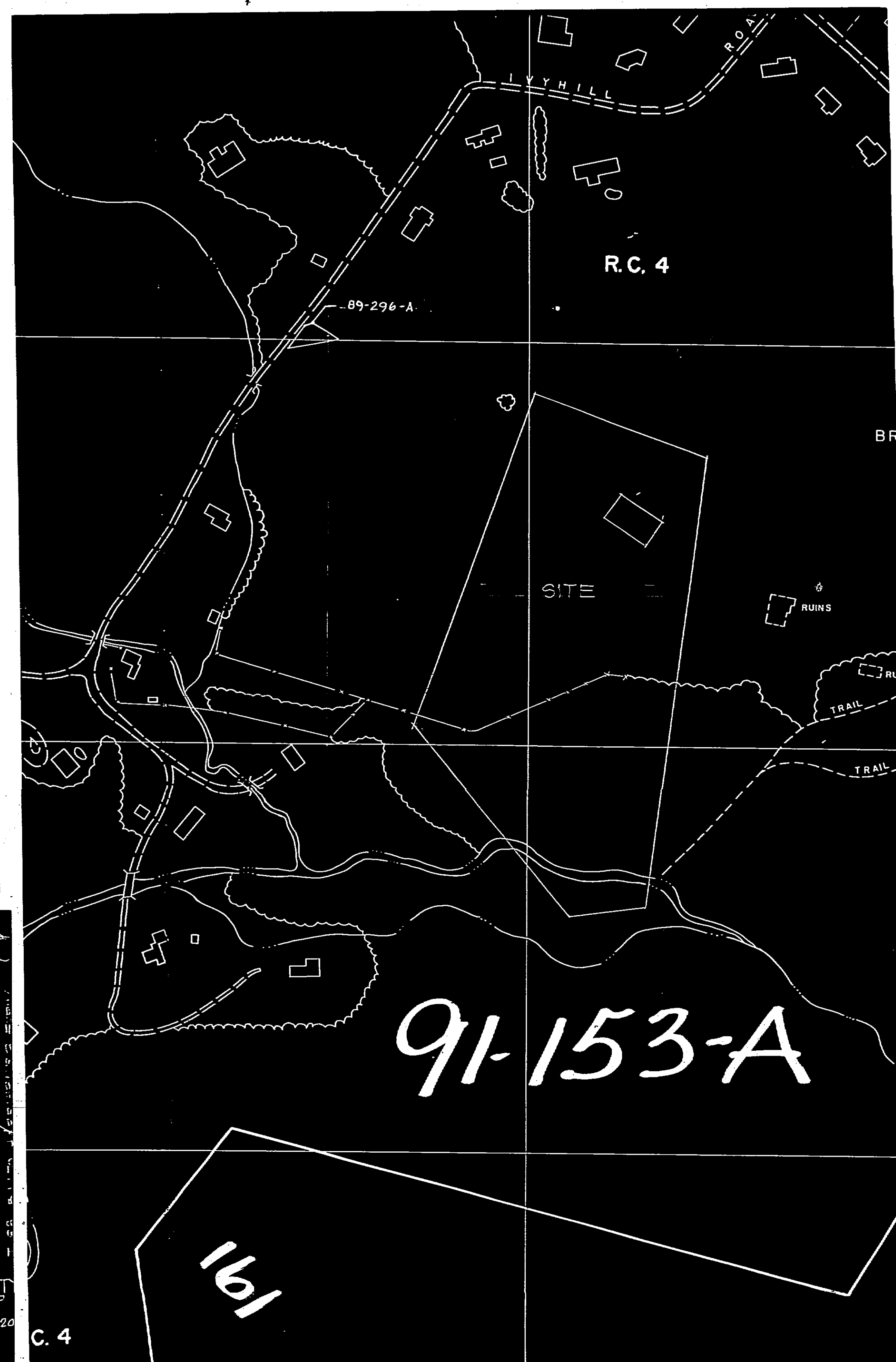
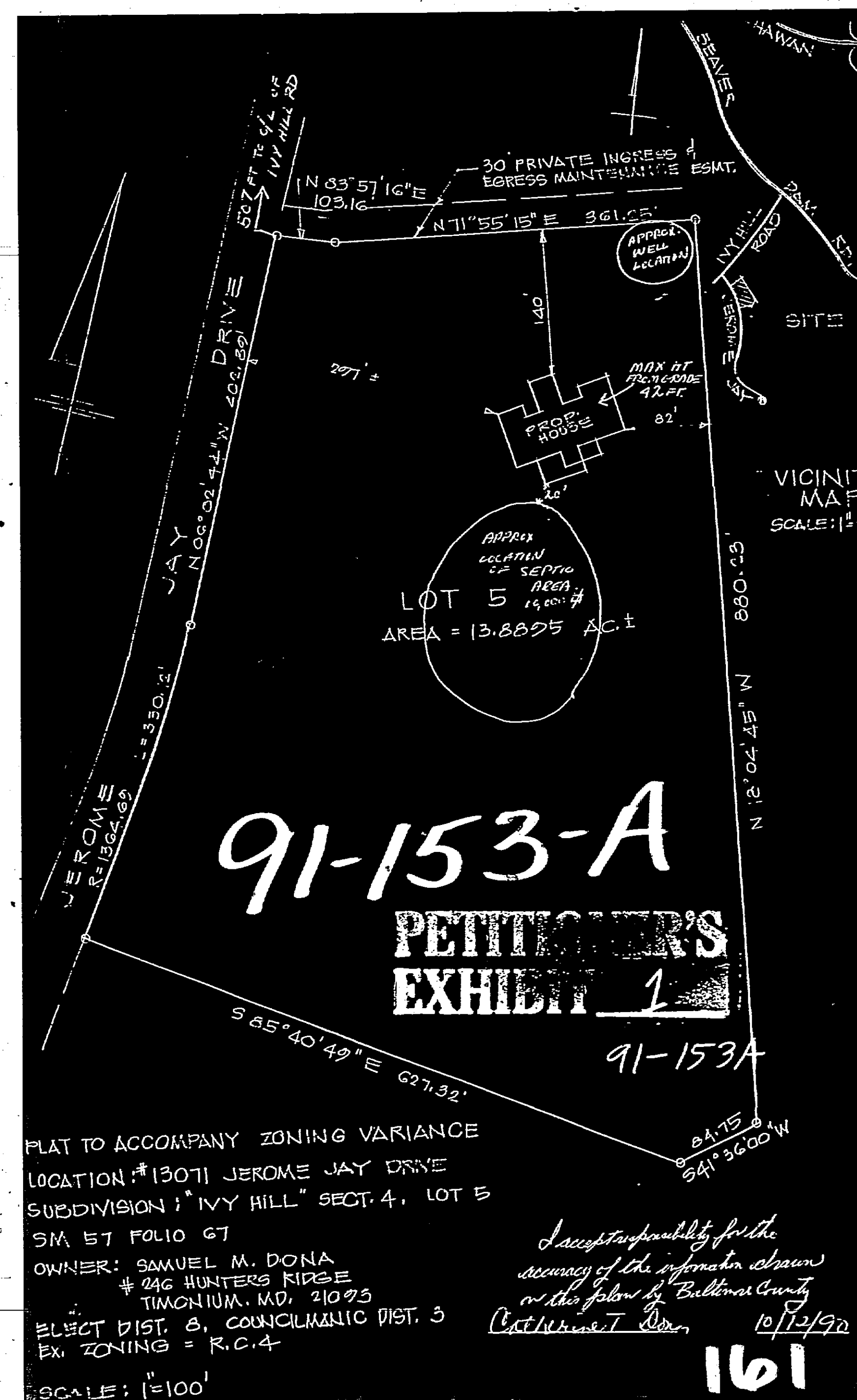
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 147, 150, 153, 162 and 163. Also, we have no comments on Items 102 and 112.

Items 443 revised and 149 County Review Group meetings are required.

For Item 160, a County Review Group Meeting may be required. Madison Street is proposed as a 30-foot paving section on a 50-foot right-of-way (5-foot widening is required). Drainage from the proposed parking areas is directed to rear of adjacent lot #2.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:c





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

COCKEYSVILLE

N.W.
17-C

91-153-A

161